

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 12, 2017

Hearing Room 302

9:00 AM

1:17-10706 Mary Jane Equila Vergara

Chapter 13

#0.01 Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mary Jane Equila Vergara	Pro Se
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Trustee(s):

Elizabeth (SV) F Rojas (TR)	Pro Se
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1:17-10740 Susana Padre

Chapter 13

#0.02 Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Susana Padre	Pro Se
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**United States Bankruptcy Court
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9:00 AM

CONT... Susana Padre

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:17-10838 Arturo Romero

Chapter 13

#0.03 Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refiling

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Arturo Romero Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:17-10810 Jaime Lazo

Chapter 13

#0.04 Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refiling

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

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9:00 AM

CONT... Jaime Lazo

Chapter 13

Debtor(s):

Jaime Lazo

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:17-10782 Sergey Sahakyan

Chapter 13

#0.05 Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sergey Sahakyan

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

9:30 AM

1:09-16565 David Schwartzman

Chapter 11

#1.00 Post confirmation status conference

fr. 10/27/11, 11/1/12, 5/23/13, 12/5/13,
4/24/14, 9/4/14, 2/26/15, 5/7/15, 11/5/15; 5/5/16,
11/16/16, 11/17/16, 4/6/17

Docket 1

Tentative Ruling:

Having considered Debtor's status report and for good cause appearing, the post-confirmation status conference is continued to December 13, 2017 at 9:30 a.m.

APPEARANCE IS WAIVED on April 12, 2017. Debtor to give notice of the continued hearing.

Party Information

Debtor(s):

David Schwartzman

Represented By
Victor A Sahn
Mark S Horoupian
Steven Werth

Movant(s):

David Schwartzman

Represented By
Victor A Sahn
Mark S Horoupian
Steven Werth

1:12-10229 C.M. Meiers Company, Inc.

Chapter 11

#2.00 Status and Case management Conference

fr. 2/21/12, 3/1/12, 4/10/12, 6/7/12, 6/12/12, 8/22/12,
9/27/12, 11/8/12, 1/17/13, 2/28/13, 4/4/13, 7/18/13,

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CONT...

C.M. Meiers Company, Inc.

Chapter 11

1/9/14, 5/15/14, 6/11/14, 12/11/14, 2/18/15, 5/13/15,
12/9/15, 2/10/16; 2/17/16, 6/2/16, 12/8/16, 4/6/17

Docket 1

Tentative Ruling:

Having considered Ch. 11 Trustee's status report and for good cause appearing, the status conference is continued to August 23, 2017 at 9:30 a.m.

Trustee to give notice.

NO APPEARANCE REQUIRED on April 12, 2017.

Party Information

Debtor(s):

C.M. Meiers Company, Inc.

Pro Se

Trustee(s):

Bradley D. Sharp (TR)

Represented By
David Gould

1:12-10229 C.M. Meiers Company, Inc.

Chapter 11

Adv#: 1:14-01042 Sharp v. Essex Insurance Company

#3.00 Status Conference on Complaint for:
1- Declaratory Relief;
2- Breach of COntract;
3- Breach of the Implied Covenant of Good
Faith and Fair Dealing

fr. 5/7/14, 10/29/14, 11/12/14, 12/3/14, 2/18/15,
5/13/15; 12/9/15, 2/10/16; 2/17/16, 2/24/16, 4/11/16,
4/12/16, 9/13/16, 10/18/16, 11/8/16; 11/16/16,4/6/17

Docket 1

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9:30 AM

CONT... C.M. Meiers Company, Inc.

Chapter 11

Tentative Ruling:

Having considered the joint status report, and for good cause appearing, the adversary status conference is continued to August 23, 2017 at 9:30 a.m.

Trustee to give notice.

NO APPEARANCE REQUIRED on April 12, 2017.

Party Information

Debtor(s):

C.M. Meiers Company, Inc.	Pro Se
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Defendant(s):

Essex Insurance Company	Pro Se
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Plaintiff(s):

Bradley D Sharp	Represented By Larry W Gabriel
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Trustee(s):

Bradley D. Sharp (TR)	Represented By David Gould Stanley H Shure Larry W Gabriel
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US Trustee(s):

United States Trustee (SV)	Pro Se
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1:13-16225 Ghassan Fayoumi

Chapter 11

#4.00 Post Confirmation Status Conference

fr. 8/28/14, 1/15/15; 3/5/15, 4/23/15; 6/11/15; 6/18/15; 7/23/15; 2/11/16
3/3/16, 6/2/16; 1/19/17; 1/26/17

**United States Bankruptcy Court
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9:30 AM

CONT...

Ghassan Fayoumi

Chapter 11

Docket 1

***** VACATED *** REASON: Continued to May 24 at 9:30 am**

Tentative Ruling:

AS the time for objection needs to run on debtor's motion for a final decree, this will be continued to May 24 to allow for case to possibly be closed before then. NO appearance required on april 12

Party Information

Debtor(s):

Ghassan Fayoumi

Represented By
Vakhe Khodzhayan

1:14-10136 Choice Providers Medical Group APC

Chapter 11

#5.00 Status and Case Management Conference

fr. 3/6/14, 9/18/14, 11/6/14, 1/22/15, 1/29/15,
2/5/15, 5/7/15, 10/29/15, 12/10/15, 10/6/16,
4/6/17

Docket 1

Tentative Ruling:

Party Information

Debtor(s):

Choice Providers Medical Group

Represented By
Tamar Terzian

1:14-11401 Hossein Alkhorsan Najafi

Chapter 11

**#6.00 Motion to Avoid Lien with
1. Bail Hotline Bail Bonds, Inc.;**

**United States Bankruptcy Court
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9:30 AM

CONT...

Hossein Alkhorsan Najafi

Chapter 11

- 2. US Bank NA dba US Bank Equipment Finance;
- 3. Jeffrey F. Sax; and
- 4. Peppertree Capital, LP

Docket 204

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hossein Alkhorsan Najafi

Represented By
Lewis R Landau

Movant(s):

Hossein Alkhorsan Najafi

Represented By
Lewis R Landau
Lewis R Landau
Lewis R Landau
Lewis R Landau
Lewis R Landau
Lewis R Landau
Lewis R Landau

1:14-11401 Hossein Alkhorsan Najafi

Chapter 11

- #7.00** Motion For Final Decree and Order Closing Case
and Authorizing Accelerated Satisfaction of
Remaining Distribution

Docket 207

Tentative Ruling:

- NONE LISTED -

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CONT... Hossein Alkhorsan Najafi Chapter 11

Party Information

Debtor(s):

Hossein Alkhorsan Najafi

Represented By
Lewis R Landau

1:14-11401 Hossein Alkhorsan Najafi Chapter 11

#7.01 Status and case management

fr. 11/20/14, 3/12/15, 4/23/15; 7/23/15, 9/17/15;
10/22/15, 11/12/15, 12/17/15; 3/3/16; 10/13/16,
10/20/16; 3/30/17, 3/29/17

Docket 1

Tentative Ruling:

Having considered the status report, Debtor's pending motion to avoid junior liens and motion to obtain final decree, and for good cause appearing, this hearing will be continued to **April 12, 2017 at 9:30 a.m.**

APPEARANCE WAIVED on March 29, 2017. Debtor to give notice of continued hearing.

Party Information

Debtor(s):

Hossein Alkhorsan Najafi

Represented By
Dana M Douglas

1:15-13495 Picture Car Warehouse Inc Chapter 11

#8.00 Chapter 11 Plan Confirmation

Docket 286

Tentative Ruling:

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9:30 AM

CONT... Picture Car Warehouse Inc

Chapter 11

- NONE LISTED -

Party Information

Debtor(s):

Picture Car Warehouse Inc

Represented By
Carolyn A Dye

1:15-13495 Picture Car Warehouse Inc

Chapter 11

#9.00 Status and Case Management Conference

fr. 6/16/16, 2/9/17

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Picture Car Warehouse Inc

Represented By
Carolyn A Dye

1:16-10159 Samuil Preys

Chapter 11

**#10.00 Disclosure Statement in Support of Plan of
Reorganization**

Docket 124

Tentative Ruling:

1. Deutsche Bank Objection

Deutsche Bank holds the first deed of trust on the 4th Street Property. It

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9:30 AM

CONT...

Samuil Preys

Chapter 11

objects to the approval of the Disclosure Statement for its unfair treatment of its claim: the Plan proposes to pay off the arrears owed to Deutsche Bank over a twenty-year period with no interest. It asserts that it would not accept an escrow account provision and would prefer to have Debtor pay all taxes and insurance directly.

Whether a plan complies with 1129(a)(8) is reserved for plan confirmation. Deutsche Bank's preference as to how its claims should be treated will not be considered at the disclosure statement stage. As the Disclosure Statement lays out its proposed treatment of the claim, it is sufficient to enable Deutsche Bank to understand how to vote on the plan. Deutsche Bank's objections are overruled and will be considered as part of confirmation.

2. Gasprom, Inc.'s Objections

Gasprom is a judgment creditor holding an unsecured claim of \$924,150. It objects to the approval of the Disclosure Statement for its failure to value Debtor's stock interest in Jenda, Inc., his 100% interest in the Principal Residence, and his 50% interest in the 4th Street Property. It requests an extensive list of supporting documents, including: offers and appraisals for the two real properties for the last four years, explanation for Debtor's divestment of his 50% interest in the 4th Street Property, financial statements and shareholder agreement with respect to Jenda, Inc., etc. Objection to Approval of Disclosure Statement, 2:8-24.

Gasprom argues that without the above information, creditors will not be able to make an informed judgment about whether Debtor's offer of 10% to unsecured creditors is more than they would receive in a chapter 7 liquidation. See 11 U.S.C. § 1129(a)(7)(The "Chapter 7 equivalency test" requires the plan either be accepted by each impaired class or provide that each non-accepting member receives at least as much as it would in a chapter 7 liquidation.).

While Gasprom is correct that omitted valuations of Debtor's assets prevents voting creditors from understanding their treatment under the proposed plan, its list of demands is too onerous. A. C. Williams, 25 B.R. at 176 (The bankruptcy court only required "description of available asset and their value" as a criterion in determining the adequacy of a disclosure statement.). Nevertheless, in his reply, Debtor answers all of the above questions. He also supports his answers with exhibits of the requested

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CONT...

Samuil Preys

Chapter 11

documents where appropriate. Debtor objects to providing four years of information as requested by Gasprom. These requests are arbitrary and unnecessary. The latest financial statements and up-to-date valuations of the real properties suffice as adequate supplements to the Disclosure Statement.

3. The State Board of Equalization's Objections

SBE holds a \$522,038.28 claim, secured by the Principal Residence. Amended Proof of Claim 3-3. This claim was reduced from \$929,821 after SBE received \$400,000 in proceeds from the sale of Debtor's interest in the Gasprom, Inc. stocks. Id.

SBE asserts that the Plan fails to treat SBE's claim as a secured claim. SBE's contention, however, does not take in to account that Debtor's intention to avoid its liens under 11 U.S.C. §506(a) as part of the confirmation process. Plan, 8 ("Debtor shall file motion(s) pursuant to FRBP 2012 to value secured claims under 11 U.S.C. [...] 506 at or before the confirmation hearing."); See e.g. Dever v. IRS (In re Dever), 164 B.R. 132 (Bankr. C.D. Cal. 1994)(The bankruptcy court determined that 11 U.S.C. §506 permits Chapter 11 debtors to strip down tax liens on real property under a plan.). Per Debtor's schedules and subject to proof, the Principal Residence is over-encumbered by four liens senior to the SBE's lien. See Schedule D (The Principal Residence has a listed value of \$850,000. M&T Bank holds the first lien in the amount of \$36,912.87 claim; First Credit Bank holds the first and second lien in the aggregate amount of \$1,035,000; and Key Capital holds an attachment lien in the amount of \$705,000.).

SBE argues that the liquidation analysis in the Disclosure Statement is misleading, as it fails to show that its tax lien has priority over Debtor's \$175,000 homestead exemption under 11 U.S.C. §522(c)(2)(B).⁶ It is irrelevant whether SBE's lien has priority over Debtor's exemption. Only avoidance actions under 11 U.S.C. § 522(f) consider whether the subject lien impairs Debtor's exemptions; this procedure is reserved for the avoidance of judicial liens or "non-possessory, nonpurchase-money

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CONT...

Samuil Preys

Chapter 11

security interest" liens. In re Morgan, 149 B.R. 147, 153 (9th Cir. BAP 1993). Here, Debtor proposes to avoid SBE's lien – a tax lien, and therefore would arise under 11 U.S.C. §506(b) and would not consider any claimed exemptions in the lien strip calculation. Notwithstanding, a separate proceeding will be required to determine the priority and interest of SBE's lien. See Fed. R. Bankr. P. 7001(2). For the disclosure statement stage, Debtor has sufficiently explained why SBE is listed as an unsecured claim.

SBE also asserts that Debtor cannot establish that the Plan is feasible because he has failed to substantiate the valuation of the real properties, his assets and income, and his interest in Romania Auto and Jenda, Inc. Debtor has provided this information in his reply. As for SBE's feasibility objection, whether a plan has a "reasonable likelihood of success" under 11 U.S.C. §1129(a)(11) is a determination reserved for plan confirmation. As long as the Disclosure Statement has fulfilled the purpose of providing creditors with enough information to assess the plan – which it has – it can be approved.

Disclosure Statement will be APPROVED. The Debtor should include an addendum with information provided in Debtor's reply.

Party Information

Debtor(s):

Samuil Preys

Represented By
Lewis R Landau

1:16-10159 Samuil Preys

Chapter 11

#11.00 Status and Case Management Conference

fr. 4/7/16, 4/27/16; 5/11/16, 6/1/16, 7/28/16,
8/4/16, 9/8/16; 2/23/17, 3/1/17

Docket 1

Tentative Ruling:

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CONT... Samuil Preys Chapter 11

Debtor should propose a solicitation/confirmation schedule. Confirmation hearing may be held on June 14, 21, July 5, 12 or August 2 or 16. Time to be determined, depending on whether testimony is likely.

Party Information

Debtor(s):

Samuil Preys

Represented By
Lewis R Landau

1:16-12066 Muntaser A. Ammari Chapter 11

#12.00 Motion for relief from stay

JINHE ROSA HO

fr. 9/8/16, 11/17/16; 1/19/17; 1/26/17, 3/22/17

Docket 29

Tentative Ruling:

Having considered the status report, for good cause appearing, this motion will be continued to **April 12, 2017 at 9:30 a.m.**

APPEARANCE WAIVED on March 22, 2017.

Party Information

Debtor(s):

Muntaser A. Ammari

Represented By
Mark S Horoupian
Mark S Horoupian
Mark S Horoupian
Jason Balitzer
Jason Balitzer
Jason Balitzer

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CONT... Muntaser A. Ammari

Chapter 11

Movant(s):

Jinhe Rosa Ho

Represented By
Henry D Paloci

1:16-12066 Muntaser A. Ammari

Chapter 11

#13.00 Status and Case Management Conference

fr. 9/8/16, 11/17/16; 1/19/17; 1/26/17, 3/22/17

Docket 1

Tentative Ruling:

As the Motion to Enforce Settlement is to be heard next week, this will be continued to after that. The status conference is continued to April 12 at 9:30 am

Party Information

Debtor(s):

Muntaser A. Ammari

Represented By
Mark S Horoupian
Mark S Horoupian
Mark S Horoupian
Jason Balitzer
Jason Balitzer
Jason Balitzer

1:16-12315 Martha Alicia Ybanez

Chapter 11

#14.00 Debtor's First Amended Disclosure Statement
Describing First Amended Chapter 11 Plan of
Reorganization

Docket 68

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
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Wednesday, April 12, 2017

Hearing Room 302

9:30 AM

CONT... Martha Alicia Ybanez

Chapter 11

Tentative Ruling:

Service proper. No objections filed. The amended disclosure statement contains adequate information to solicit.

Motion to approve is GRANTED. Confirmation scheduling dates will be set at status conference.

Party Information

Debtor(s):

Martha Alicia Ybanez

Represented By
Matthew D Resnik
Roksana D. Moradi

1:16-12315 Martha Alicia Ybanez

Chapter 11

#15.00 Status and Case Management Conference

fr. 10/6/16; 3/2/17, 3/8/17

Docket 1

Tentative Ruling:

The Disclosure Statement, Chapter 11 Plan of Reorganization (the "Plan"), and a ballot conforming to Official Form 14, shall be mailed, along with notice of all relevant dates, to creditors, equity security holders, the Office of the United States Trustee and other parties in interest, pursuant to Bankruptcy Rule 2002, no later than :_____

Ballots to be returned and
objections to confirmation to be filed no later than:_____

Confirmation Brief stating why the Plan should be confirmed and admissible evidence supporting all applicable elements of 11 U.S.C. §1129, a ballot summary, and Debtor's response to any objections to be filed no later than:_____

Confirmation hearing to be held on:_____

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CONT... Martha Alicia Ybanez

Chapter 11

DEBTOR TO LODGE CONFIRMATION SCHEDULING ORDER WITH THE
DATES SET BY THE COURT WITHIN 7 DAYS.

FAILURE TO LODGE THE CONFIRMATION SCHEDULING ORDER MAY
RESULT IN DISMISSAL OR CONVERSION.

Party Information

Debtor(s):

Martha Alicia Ybanez

Represented By
Matthew D Resnik
Matthew D Resnik

1:16-13035 Laura Eileen Sanchez

Chapter 11

#16.00 Status and Case Management Conference

fr. 12/8/16, 4/6/17

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Laura Eileen Sanchez

Represented By
Daniel King

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Hearing Room 302

11:00 AM

1:15-13278 Esther Pasternak

Chapter 7

Adv#: 1:16-01076 Zamora v. DP One Family Limited Partnership et al

#17.00 Status Conference Re: Amended Complaint for
1 - Breach of Fiduciary Duty;
2 - Violation of Family Code Sections 721
and 1100 and Corporations Code Sections
16403, 16404, and 16503;
3 - Wrongful Foreclosure;
4 - Intentional Misrepresentation (Fraud);
5 - Intentional Misrepresentation (Fraud);
6 - Avoidance and Recovery of Fraudulent
Transfers Pursuant to 11 USC Sec. 544(B),
550, and Cal. Civ. Code Sec 3439.04(A)(1);
7 - Avoidance and Recovery of Fraudulent
Transfers Pursuant to 11 USC Sec. 544(B),
550, and Cal Civ Code Sec 3439.05; and
8 - Declaratory Relief

fr. 1/4/17; 2/8/17, 3/8/17

Docket 18

***** VACATED *** REASON: Cont'd per stipulation to May 10, 2017
(doc. 44) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Esther Pasternak

Represented By
Kevin T Simon

Defendant(s):

PNP Investments, LLC

Pro Se

Marsha Ravits

Pro Se

Joseph Yaghoubian

Pro Se

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CONT... Esther Pasternak

Chapter 7

Nachum Rayan	Pro Se
Rubin Ravits	Pro Se
Soheil Davood	Pro Se
Shaun Davood	Pro Se
David Pasternak	Represented By George E Schulman Aaron E de Leest
County Records Research, Inc.	Pro Se
DP One Family Limited Partnership	Pro Se
Dept Management, LLC	Pro Se
Flora Davood	Pro Se
Ella Pasternak	Represented By George E Schulman Aaron E de Leest
DJ Apartments, LLC	Pro Se

Plaintiff(s):

Nancy J. Zamora	Represented By Edward M Wolkowitz Jeffrey S Kwong
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Trustee(s):

Nancy J Zamora (TR)	Represented By Edward M Wolkowitz Anthony A Friedman Jeffrey S Kwong
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1:15-13795 Alisa Terkarapetyan

Chapter 7

Adv#: 1:16-01084 Weil, Trustee v. Bursalyan et al

#18.00 Status Conference re: Complaint

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

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11:00 AM

CONT... Alisa Terkarapetyan

Chapter 7

fr. 8/3/16; 11/2/16; 1/25/17, 3/1/17

Docket 1

Tentative Ruling:

Having considered Plaintiff's status report and for good cause appearing, this status conference is continued to August 23, 2017 at 11:00 a.m.
Plaintiff to give notice.

NO APPEARANCE REQUIRED on April 12, 2017.

Party Information

Debtor(s):

Alisa Terkarapetyan	Pro Se
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Defendant(s):

Alisa Terkarapetyan as a Trustee of	Pro Se
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Markar Bursalyan as a Trustee of the	Pro Se
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Alisa Terkarapetyan	Pro Se
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Markar Bursalyan	Pro Se
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Haroutun Bursalyan	Pro Se
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Plaintiff(s):

Diane C. Weil, Trustee	Represented By Aaron E de Leest
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Trustee(s):

Diane Weil (TR)	Represented By Brad Krasnoff
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US Trustee(s):

United States Trustee (SV)	Pro Se
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Hearing Room 302

11:00 AM

1:16-12311 Motty Shalev

Chapter 7

Adv#: 1:16-01149 American Ideal Diamond v. Shalev

#19.00 Status Conference re: Complaint to determine
dischargeability of debt

fr. 1/4/17

Docket 1

***** VACATED *** REASON: Resolved per stipulation re
nondischargeable debt (doc. 18; 20) - hm**

Tentative Ruling:

Party Information

Debtor(s):

Motty Shalev

Represented By
Vic Rodriguez

Defendant(s):

Motty Shalev

Pro Se

Plaintiff(s):

American Ideal Diamond

Represented By
Timothy F Umbreit

Trustee(s):

David Seror (TR)

Pro Se

1:10-10209 R.J. Financial, Inc.

Chapter 7

Adv#: 1:15-01216 Atashi Jewels, Inc. dba 7Elements v. David Seror et al

#19.01 Pre-Trial Conference re: Complaint for:
(1) Declaratory Judgment;
(2) Account Stated;
(3) Breach of Contract;

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CONT... **R.J. Financial, Inc.** **Chapter 7**
(4) Injunction;
(5) Constructive Trust;
(6) Accounting

fr. 11/18/15, 1/20/16, 8/3/16, 8/10/16; 8/12/16,
12/7/16

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

R.J. Financial, Inc.

Represented By
Sandford Frey
Stuart I Koenig
Marta C Wade

Defendant(s):

Wilshire State Bank

Pro Se

Trustee David Seror

Pro Se

Plaintiff(s):

Atashi Jewels, Inc. dba 7Elements

Represented By
Michael S Kogan

Trustee(s):

David Seror (TR)

Represented By
Robyn B Sokol
Michael W Davis

US Trustee(s):

United States Trustee (SV)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 12, 2017

Hearing Room 302

11:00 AM

1:11-22719 Jonathan Aguirre

Chapter 13

#20.00 Motion for relief from stay

JPMORGAN CHASE BANK

Docket 99

Tentative Ruling:

This hearing was continued from 3/22/17 so that the parties could discuss entering into an APO. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED.

3-22-17 TENTATIVE BELOW

Petition Date: 10/31/2011

Chapter: 13 (confirmed 7/9/2013)

Service: Proper. Opposition Filed 3/29/17.

Property: 8857 Lindley Avenue, Northridge, CA 91325

Property Value: \$ 300,000 (per debtor's schedules)

Amount Owed: \$ 311,216.92

Equity Cushion: N/A

Equity: N/A

Post-Petition Delinquency: \$5365.4 (*post confirmation*: 4 payments of approximately \$1665.31)

Movant alleges cause for relief under 11 U.S.C. 362(d)(1). Movant requests relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

Debtor in their response asserts he will tender a portion of post-petition delinquency prior to hearing date.

APPEARANCE REQUIRED

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 12, 2017

Hearing Room 302

11:00 AM

CONT... Jonathan Aguirre

Chapter 13

Debtor(s):

Jonathan Aguirre

Represented By
Larry D Simons
Frank X Ruggier

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#21.00 Motion for relief from stay

JOYCE I KIM

Docket 1869

Tentative Ruling:

Denied. The court has extensive knowledge of these entities over years of litigation. It would make no sense for the Superior Court to start from scratch. The litigation would be unduly burdensome to the estate. The movant has violated the automatic stay already and provides no good excuse for it. She may have also violated the Barton doctrine by suing the trustee's agent. This can and should be resolved in this forum.

Party Information

Debtor(s):

Owner Management Service, LLC

Pro Se

Movant(s):

JOYCE I KIM

Represented By
Steven J Barkin

Trustee(s):

David Seror (TR)

Represented By
Richard Burstein

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 12, 2017

Hearing Room 302

11:00 AM

CONT...	Owner Management Service, LLC and Trustee Corps	Chapter 7
	Michael W Davis	
	David Seror	
	David Seror (TR)	
	Steven T Gubner	
	Reagan E Boyce	
	Jessica L Bagdanov	
	Reed Bernet	

1:12-11007	Bryan J Poe and Constance Canzone Poe	Chapter 13
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#22.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST COMPANY

fr. 3/22/17

Docket 68

Tentative Ruling:

This hearing was continued from 3/22/17 so that the parties could discuss entering into an APO. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED.

3-22-17 TENTATIVE BELOW

Petition Date: 2/1/12

Chapter 13 (Plan confirmed on 6/4/12)

Service: Proper. Response filed.

Property: 404 Medea Creek Lane, Oak Park CA 91377

Property Value: \$750,000 (Order on Motion to Avoid Junior Lien. ECF No. 28)

Amount Owed: \$634,825.84

Equity Cushion: 7.3%

Equity: \$0.00

Post-Petition Delinquency: \$36,035.15 (*post confirmation*: 1 payment of \$4,48.93; 7 payments of \$4,523.64)

Movant alleges cause for relief under 11 U.S.C. 362(d)(1). Movant requests relief

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 12, 2017

Hearing Room 302

11:00 AM

CONT... Bryan J Poe and Constance Canzone Poe Chapter 13

listed in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant may engage in loss mitigation); **7** (waiver of the 4001(a)(3) stay); and **12** (Debtor is defined as a borrower for purposes of Cal. Civ. Code §2923.5.

Debtors in their response states that they timely made all post-petition payments. The only evidence of payment is a summary of monthly payments attached as Exhibit 1.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Bryan J Poe

Represented By
David S Hagen

Joint Debtor(s):

Constance Canzone Poe

Represented By
David S Hagen

Movant(s):

Deutsche Bank National Trust

Represented By
Merdaud Jafarnia
Todd S Garan
Kristin A Zilberstein

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:12-20520 Ernesto Rodriguez-Reyes

Chapter 13

#23.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST CO

fr. 3/8/17

Docket 61

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 12, 2017

Hearing Room 302

11:00 AM

CONT... Ernesto Rodriguez-Reyes

Chapter 13

Tentative Ruling:

The hearing was continued from March 8, 2017 for Debtor to come current on his post-petition arrears. Nothing has been filed. What is the status of this motion?

APPEARANCE REQUIRED

3-8-17 TENTATIVE BELOW

Petition Date: 12/3/16

Chapter 13 (Confirmed on 7/9/13)

Service: Proper. Response filed on 3/2/17.

Property: 2948 Crescent Way., Thousand Oaks CA 91362

Property Value: \$ 300,000 (per debtor's schedules)

Amount Owed: \$ 418,982.10

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$9,772.13 (*post confirmation*: 5 payments of \$2,053.83)

Movant requests under 11 U.S.C. 362(d)(1). Movant seeks relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay.

Debtor in response avers that he can come current within one month and requests a continuance on the matter.

Disposition: CONTINUE to **April 12, 2017** at **11:00 a.m.** Movant to give notice of continued hearing.

Party Information

Debtor(s):

Ernesto Rodriguez-Reyes

Pro Se

Movant(s):

Deutsche Bank National Trust

Represented By

Joely Khanh Linh Bui

Mark T. Domeyer

Daniel K Fujimoto

Caren J Castle

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 12, 2017

Hearing Room 302

11:00 AM

CONT... Ernesto Rodriguez-Reyes

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:13-10187 Veronica Irene Esparza

Chapter 13

#24.00 Motion for relief from stay

WELLS FARGO BANK

Docket 52

Tentative Ruling:

Petition Date: 1/10/2013

Chapter: 13 (confirmed 9/25/2013, converted from 7 4/18/2013)

Service: Proper. Opposition filed.

Property: 8306 Gladbeck Avenue, Northridge, CA 91324

Property Value: \$370,000 (per debtor's schedules)

Amount Owed: \$365,396.87

Equity Cushion: N/A

Equity: N/A

Post-Petition Delinquency: \$48,512.12 (*post confirmation*: 19 payments of approximately \$2600)

Debtor has an agreement to sell real property allegedly for \$520,000. Motion for authority to sell was filed on March 29, 2017. ECF No. 55. As the motion was brought on negative notice, Debtor requests a continuance of the relief from stay motion.

Movant requests under 11 U.S.C. 362(d)(1). Movant seeks relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** co-debtor stay is waived); and **7** (waiver of the 4001(a)(3) stay).

This hearing is CONTINUED to April 26, 2017 at 11am to await pending sale.

APPEARANCE WAIVED on April 12, 2017.

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 12, 2017

Hearing Room 302

11:00 AM

CONT... Veronica Irene Esparza

Chapter 13

Debtor(s):

Veronica Irene Esparza

Represented By
Leon D Bayer

Movant(s):

WELLS FARGO BANK, N.A.

Represented By
Gilbert R Yabes

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:13-11948 Allied Industries, Inc.

Chapter 7

#25.00 Motion for relief from stay

ORA STANLEY

fr. 3/1/17, 3/22/17

Docket 749

Tentative Ruling:

For the second time, Movant has failed to serve Debtor's attorney as required under LBR 4001-1(c)(1)(C)(i). See ECF doc. 756.

MOTION DENIED WITHOUT PREJUDICE

3-22-17 TENTATIVE BELOW

The hearing was continued from March 1, 2017 for Movant to properly serve the motion on Debtor. On March 13, 2017, Movant filed an updated proof of service, showing that Movant served "Debtor c/o Trustee." This is insufficient. Movant must properly serve the Debtor per LBR 4001-1(c)(1)(C)(i) and (ii), which requires service on the debtor and the debtor's attorney (if any); and the trustee or interim trustee (if any). To properly serve this Motion, Movant must serve (1) the actual Debtor; (2) Debtor's counsel; and (3) the Trustee. Under per LBR 4001-1(c)(1)(C)(v), Movant must also serve "any other party entitled to notice under FRBP 4001."

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, April 12, 2017

Hearing Room 302

11:00 AM

CONT... Allied Industries, Inc.

Chapter 7

Motion is CONTINUED to **April 12, 2017 at 11:00 a.m.** for Movant to properly serve the motion.

NO APPEARANCE REQUIRED

Previous Tentative

Petition Date: ~~3/21/13~~

Chapter: 11 (Converted to 7 on 5/15/14)

Service: Improper - Debtor was not served, only its attorneys were served. See LBR 4001-1(c)(1)(C)(i).

Party Information

Debtor(s):

Allied Industries, Inc.

Represented By
Dheeraj K Singhal
Dheeraj K Singhal
Ali Salamid

Movant(s):

Ora Stanley

Represented By
Dennis H Boothe

Trustee(s):

David Seror (TR)

Represented By
Richard Burstein
Jessica L Bagdanov
Talin Keshishian
Travis M Daniels

1:16-11441 Joann B Atkins

Chapter 13

#26.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

Docket 30

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 12, 2017

Hearing Room 302

11:00 AM

CONT... Joann B Atkins

Chapter 13

Tentative Ruling:

Petition Date: 05/12/2016
Chapter: 13
Service: Proper.
Opposition Filed 3/30/17
Property: 13217 Filmore St., Pacoima, CA 91331
Property Value: \$360,000.00 (per debtor's schedules)
Amount Owed: \$390,000.00
Equity Cushion: 0.0%
Equity: N/A
Post-Petition Delinquency: \$4,009.43 (3 payments @ 1,931.02) per Declaration of Mary Garcia Assistant Secretary at NationStar Mortgage, LLC. (Movant's custodian)

Movant request under 11 U.S.C. 362(d)(1). Movant requests relief in paragraphs **2** (proceed under non-bankruptcy law); **6** (waiver of the 4001(a)(3) stay); **7** (waiver of the 4001(a)(3) stay)' and **13** (if RFS not granted, adequate protection)

Debtor in response avers that more payments have been. For the remaining balance of any post-petition delinquency, she requests an opportunity to enter into an adequate protection order with the Movant.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Joann B Atkins

Represented By
Kevin T Simon

Movant(s):

The Bank of New York Mellon

Represented By
Darlene C Vigil

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:17-10117 Gregory A Harris

Chapter 13

#27.00 Motion for relief from stay

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 12, 2017

Hearing Room 302

11:00 AM

CONT... Gregory A Harris

Chapter 13

WELLS FARGO BANK, N.A.

Docket 29

Tentative Ruling:

Petition Date: 1/17/2017
Chapter:13
Service: Proper (Proper to original borrower, as well)
Opposition filed. 3/31/17 Service: Proper
Property: 17503 La Bonita Way, Cerritos, CA, 90703 (Not listed in Schedule)
Property Value: N/A – not listed
Amount Owed: \$627,900.93 (per Movant's declaration)
Equity Cushion: Not listed
Equity: Not listed
Post-Petition Delinquency: \$3,638.28 (1 payment)

Debtor doesn't oppose motion and states that he doesn't have knowledge of the Property. Debtor believes he is a victim of "bankruptcy hijacking."

Disposition: GRANT relief under 11 U.S.C. 362(d)(1) and (d)(4). GRANT reliefs requested in paragraphs **2** (proceed under non-bankruptcy law); **6** (waiver of the 4001(a)(3) stay); **7** (waiver of the 4001(a)(3) stay); and **9** (relief under 362(d)(4) with no finding of bad faith as to this Debtor— 2 prior BK cases within the past year (both dismissed); this being the 3rd on this property).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

MOVANT IS ORDERED TO SERVE A COPY OF THE ENTERED ORDER ON THE ORIGINAL BORROWER AT THE ADDRESS OF THE AFFECTED PROPERTY.

Party Information

Debtor(s):

Gregory A Harris

Represented By
Brad Weil

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 12, 2017

Hearing Room 302

11:00 AM

CONT... Gregory A Harris

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:17-10184 Alfredo Cerda-Martinez

Chapter 7

#28.00 Motion for relief from stay

TORREY PACIFIC VENTURES LLC

Docket 15

Tentative Ruling:

Petition Date: 1/24/2017

Chapter: 7

Service: Proper. No opposition filed.

Movant: Torrey Pacific Ventures LLC

Property Address: 789 Windermere Point Way, Oceanside, CA 92054

Type of Property: Residential

Occupancy: Holdover after foreclosure sale on 9/12/16

Foreclosure Sale: 09/12/2016

UD case filed: 12/28/2016

UD Judgment: None

Disposition: GRANT under 11 U.S.C. 362(d)(1); (d)(2)). GRANT relief as requested in paragraphs **2** (proceed under non-bankruptcy law), and **6** (waiver of 4001(a)(3) stay). GRANT relief as to paragraph **7** (designated law enforcement officer may evict any occupant, upon a recording of the order in compliance with applicable non-bankruptcy law).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Alfredo Cerda-Martinez Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 12, 2017

Hearing Room 302

11:00 AM

CONT... Alfredo Cerda-Martinez

Chapter 7

Movant(s):

Torrey Pacific Ventures LLC

Represented By
Erin M McCartney

Trustee(s):

Nancy J Zamora (TR)

Pro Se

1:17-10369 Hrayr Sargsyan and Karine Ghukasyan

Chapter 7

#29.00 Motion for relief from stay

DAIMLER TRUST

Docket 21

Tentative Ruling:

Petition Date: 02/13/2017
Chapter: 7
Service: Proper. No opposition filed.
Property: 2015 Mercedes Benz CLS400
Property Value: \$ 40,000
Amount Owed: \$58,991.12
Equity Cushion: N/A – Leased
Equity: N/A – Leased
Delinquency: \$3,896.11 (4 payments @ \$939.89)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001 (a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Hrayr Sargsyan

Represented By
Henrik Mosesi

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 12, 2017

Hearing Room 302

11:00 AM

CONT... Hrayr Sargsyan and Karine Ghukasyan

Chapter 7

Joint Debtor(s):

Karine Ghukasyan

Represented By
Henrik Mosesi

Movant(s):

Daimler Trust

Represented By
Sheryl K Ith

Trustee(s):

Diane Weil (TR)

Pro Se

1:17-10712 Young Ah Everson

Chapter 13

#30.00 Motion in an Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate.

Docket 8

Tentative Ruling:

Debtor has two previous bankruptcy cases, but only lists one in the Motion.

- (1) 2:16-bk-20922: Filed 8/16/2016; Dismissed 12/08/16 for failure to appear at 341(a) meeting.
- (2) 1:16-bk-13599: Filed 12/21/16; Dismissed 3/2/17 for failure to make required payments.

On March 21, 2017, Debtor filed this Chapter 13 case. Debtor now moves for an order continuing the automatic stay as to all creditors. Debtor asserts the present case was filed in good faith notwithstanding the dismissal of the two previous cases. Debtor contends the previous case [16-13599] was dismissed because Debtor was unable to attend the first meeting of creditors due to the fact that she claimed she never received the notice of bankruptcy case filing. As for the second creditors meeting, Debtor was involved in a severe auto accident several days before which landed her in the hospital for some time.

Debtor does not provide why the other filing [16-13599] was filed in good faith.

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11:00 AM

CONT... Young Ah Everson

Chapter 13

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Young Ah Everson

Represented By
Alon Darvish

Movant(s):

Young Ah Everson

Represented By
Alon Darvish

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:17-10582 Edgar Rene Ledezma

Chapter 7

#31.00 Motion for relief from stay

PARTNERS FEDERAL CREDIT UNON

Docket 7

Tentative Ruling:

Petition Date: 3/8/17
Chapter: 7
Service: Proper. No opposition filed.
Property: 2012 Chrysler 300
Property Value: \$ 14,575
Amount Owed: \$ 15,351.85
Equity Cushion: \$0.00
Equity 0%
Delinquency: \$1,255.35 (3 payments of \$418.85)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001

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11:00 AM

CONT... Edgar Rene Ledezma
(a)(3) stay).

Chapter 7

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Edgar Rene Ledezma

Represented By
Navid Kohan

Trustee(s):

Nancy J Zamora (TR)

Pro Se

1:17-10674 Jose Martin Dulanto

Chapter 13

#31.01 Motion in Individual Case for Order Imposing a Stay or
Continuing the Automatic Stay as the Court Deems Appropriate
2012 Toyota Prius vehicle

Docket 13

Tentative Ruling:

On March 16, 2017, Debtor filed this chapter 13 case. Debtor has one previous bankruptcy case that was dismissed within the previous year. The First Filing, 16-13216-MB, was a chapter 13 that was filed on 11/8/16 and dismissed on 3/3/17 for inability to confirm a plan that violated the 910-Days rule.

Debtors now move for an order imposing the stay as to Toyota Financial Services with respect to his 2012 Toyota Prius. Debtors argue that the present case was filed in good faith notwithstanding the dismissal of the previous case for failure to make plan payments. Debtor suffered financial set-backs during his previous case. Further, as Debtor now falls outside of the 910-day rule, it is eligible for cram down on his car loan. Debtor claim that the presumption of bad faith is overcome as to all creditors per 11 U.S.C. 362(c)(3)(C)(i) because he is ready to tender adequate protection payments to secured creditor to his vehicle, which is necessary for his sole income as an Uber driver.

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Wednesday, April 12, 2017

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11:00 AM

CONT... **Jose Martin Dulanto** **Chapter 13**
Service proper. No opposition filed.
MOTION GRANTED. APPEARANCE REQUIRED DUE TO SHORTENED TIME.

Party Information

Debtor(s):

Jose Martin Dulanto

Represented By
Donald E Iwuchuku

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:11-14019 Irene G. Gazelian Chapter 13

#31.02 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST COMPANY

fr. 3/29/17

Docket 105

Tentative Ruling:

This hearing was continued from March 29, 2017 for parties to resolve disputes over payment history. Nothing new has been filed. What is the status of this motion?
APPEARANCE REQUIRED.

Previous Tentative

Petition Date: 4/10/11

Chapter 13 plan confirmed: 11/21/11

Service: Proper. No opposition filed.

Property: 4514 Conchita Way, Tarzana, CA 91356

Property Value: \$680,000 (per Order Granting Mtn. to Avoid Lien, doc. 27)

Amount Owed: \$711,249

Equity Cushion: 0.0%

Equity: \$0.00.

Post-confirmation Delinquency: \$25,013.74 (9 payments of \$2,506.51; 1 payment of

**United States Bankruptcy Court
Central District of California
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Hearing Room 302

11:00 AM

CONT... **Irene G. Gazelian**
\$2,493.97).

Chapter 13

Movant alleges the last payment received under the modified loan was in October 2016.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Irene G. Gazelian

Represented By
Thomas B Ure

Movant(s):

Deutsche Bank National Trust

Represented By
Merdaud Jafarnia
Kristin A Zilberstein

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:17-10401 Rami Madain

Chapter 13

#31.03 Motion for relief from stay

MUSICIANS INTERGUILD CREDIT UNION

fr. 3/22/17; 3/29/17

Docket 10

***** VACATED *** REASON: APO order entered 3/28/17. - CW**

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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11:00 AM

CONT... Rami Madain

Chapter 13

Party Information

Debtor(s):

Rami Madain

Represented By
Yeznik O Kazandjian

Movant(s):

Musicians Interguild Credit Union

Represented By
Yuri Voronin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:17-10482 Rodolfo Rosales and Rosa Maria Hinojosa

Chapter 13

#31.04 Motion for relief from stay

DUKE PARTNERS II, LLC

fr. 3/29/17

Docket 17

Tentative Ruling:

This hearing was continued from March 29, 2017, to correct for improper service. On March 28, 2017, Debtors filed an adversary complaint against Shellpoint, among others, seeking a determination that the foreclosure was improper and to quiet title. 1:17-ap-01028. The initial status conference for the adversary is set for 6/14/17.

Having considered the allegations in the adversary complaint and the motion for relief from stay, the Court finds cause to continue this hearing to June 14, 2017 at 11:00 a.m. to trail the adversary proceeding.

APPEARANCES WAIVED ON 4/12/17

3-29-17 TENTATIVE BELOW

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 12, 2017

Hearing Room 302

11:00 AM

CONT... Rodolfo Rosales and Rosa Maria Hinojosa

Chapter 13

Petition Date: 2/24/17

Ch. 13

Service: Proper on shortened time; co-debtor served. Opposition filed.

Movant: Duke Partners II, LLC

Property Address: 7921 Bakman Ave., Sun Valley, CA 91352

Type of Property: Residential

Occupancy: holdover after foreclosure

Foreclosure Sale: 2/27/17

UD case filed: n/a

UD Judgment: n/a

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(2), with relief as requested in paragraphs **2** (proceed under non-bankruptcy law); **5** (relief from co-debtor stay); and **6** (waiver of 4001(a)(3) stay).

Movant also requests relief specified in paragraphs **7** (designated law enforcement officer may evict any occupant, without further notice); **8** (relief under 362(d)(4)); **9** (binding & effective against any debtor for 180 days); **10** (binding and effective in any case for 2 years); and **11** (binding and effective against Debtor for 180 days). Movant alleges bad faith because Debtor Rosa Hinojosa had one prior filing that was dismissed on 12/12/16, 16-13349-MB

Debtors state that they had problems making their mortgage payments starting in late 2016, and attempted to modify their loan with the servicer Shellpoint. Between December 2016 and January 2017, Debtors submitted documents to support their modification application. Debtors state that, although Shellpoint confirmed that the application was complete and any foreclosure would be postponed during review, Shellpoint foreclosed on the Property on February 22, 2017. The Property was sold, allegedly improperly, to Movant.

Debtors request that the hearing on this Motion be postponed until the conclusion of their wrongful foreclosure action.

Debtors also complain of Movant's notice of the hearing, arguing that they were given insufficient nine days' notice and that they were contacted directly by Movant to purportedly give telephonic notice of this shortened time

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Central District of California
San Fernando Valley
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Courtroom 302 Calendar**

Wednesday, April 12, 2017

Hearing Room 302

11:00 AM

CONT... **Rodolfo Rosales and Rosa Maria Hinojosa**
hearing, in violation of the automatic stay.

Chapter 13

While the Court understands Debtors' surprise at how this motion was noticed, the Court's shortened time procedures provide for this type of notice. The Court's self-calendaring procedures state:

III. Certain motions under § 362 may be heard on shortened time without court order

1. **Motions for relief from stay related to residential unlawful detainer actions**
2. Motions for relief from stay related to post-petition transfers of real property to the debtor
3. Motions for relief from stay related to pre-petition transfers to the debtor either within 30 days of the debtor's petition date, or involving a fractionalized interest in real property
4. Motions to continue or impose the stay under §§ 362(c)(3) or (c)(4) only if 14 days' notice is given to all interested parties including the secured creditor
5. If the movant wishes to have a motion heard on shortened time and it is not in one of the above categories, the movant must apply for an order shortening time or utilize emergency motion procedures under Local Bankruptcy Rule 9075-1.

NOTE: Except for Motions to impose/continue the stay under §§ 362(c)(3) or (c)(4), motions calendared on shortened time in accordance with this procedure must be filed with the Court and served on all parties entitled to receive notice of the motion so that the moving papers and notice of hearing are received **not later than 5 court days prior to the date of the hearing**, unless otherwise indicated. **Telephonic notice of the date, time and place of the hearing on the motion must also give to all parties entitled to receive notice not later than 5 court days prior to the hearing.**

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 12, 2017

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CONT... Rodolfo Rosales and Rosa Maria Hinojosa Chapter 13

<http://www.cacb.uscourts.gov/judges/self-calendaring/tighe-m> (emphasis added)

Requiring telephonic notice to the debtors, even though they may have an attorney of record, is allowed in this limited circumstance due to the shortened notice period. While it is not the case here, the risk that some debtors may have been abandoned by, or are dealing with, unscrupulous counsel, is the basis for this limited exception.

What is Movant's response to Debtors' assertions that the underlying foreclosure sale was improper?

APPEARANCE REQUIRED DUE TO SHORTENED TIME

Party Information

Debtor(s):

Rodolfo Rosales

Represented By
Kevin T Simon

Joint Debtor(s):

Rosa Maria Hinojosa

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:12-10955 Roger W. Meyer

Chapter 7

**#32.00 Motion For Order Reducing And Modifying
Claim No. 12 Filed By Christina Williams**

Docket 769

Tentative Ruling:

Chapter 7 Trustee Gottlieb ("Trustee") objects to claim no. 12, asserted by Cristina Williams, in the amount of \$250,436.75, of which \$175,436.75 was listed as secured.

**United States Bankruptcy Court
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CONT... Roger W. Meyer

Chapter 7

The parties thereafter that Williams was allowed a secured claim of \$100,000, and an unsecured claim of \$38,059.37 (the "Unsecured Claim"). ECF doc. 324; 337.

Trustee contends that the secured portion of claim no. 12 was paid in full in April 2015, at the closing of the sale of commercial real property at 841 Avenida Acaso, Camarillo, CA (the "Camarillo Property"). The Camarillo Property, in which Debtor had a 100% interest, was sold under a settlement agreement with Chase.

Trustee maintains that only the Unsecured Claim is owed to Williams, and that Claim no. 12 should be reduced and allowed in the amount of \$38,059.37 as a general unsecured claim.

Service proper. No opposition filed.

Objections SUSTAINED. Trustee to lodge order within 7 days.

NO APPEARANCE REQUIRED ON 4/12/17

Party Information

Debtor(s):

Roger W. Meyer

Represented By
Don E Lanson
Jeremy Faith
Meghann A Triplett

Movant(s):

David Keith Gottlieb (TR)

Represented By
Linda F Cantor ESQ
Victoria Newmark
Jeffrey L Kandel
Scotta E McFarland

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Linda F Cantor ESQ
Victoria Newmark
Jeffrey L Kandel
Scotta E McFarland

1:12-10955 Roger W. Meyer

Chapter 7

United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Wednesday, April 12, 2017

Hearing Room 302

11:00 AM

CONT... Roger W. Meyer

Chapter 7

#33.00 Motion For Order Disallowing Claim No. 14-1
Filed By Deutsche Bank National Trust Company, As Trustee
And Onewest Bank Fsb As Servicer

Docket 773

*** VACATED *** REASON: Claim withdrawn (doc. 778) - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roger W. Meyer

Represented By
Don E Lanson
Jeremy Faith
Meghann A Triplett

Movant(s):

David Keith Gottlieb (TR)

Represented By
Linda F Cantor ESQ
Victoria Newmark
Jeffrey L Kandel
Scotta E McFarland

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Linda F Cantor ESQ
Victoria Newmark
Jeffrey L Kandel
Scotta E McFarland

1:17-10861 FAMOSO PORTERVILLE, LLC

Chapter 7

#33.01 Order to Show Cause Re Dismissal

Docket 0

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 12, 2017

Hearing Room 302

11:00 AM

CONT... FAMOSO PORTERVILLE, LLC

Chapter 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

FAMOSO PORTERVILLE, LLC Pro Se

Trustee(s):

Diane C Weil (TR) Pro Se

1:12-15113 Victor Cervantes

Chapter 7

#34.00 Trustee's Final Report and Applications for
Compensation and Deadline to Objection

Docket 28

Tentative Ruling:

Having reviewed the Trustee's Final Report, the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED ON 4/12/17.

Party Information

Debtor(s):

Victor Cervantes Represented By
Marlin Branstetter

Trustee(s):

Nancy J Zamora (TR) Pro Se